

**§ 90-509. Other prohibited activities.**

The Board may deny, suspend, or revoke any license, or otherwise discipline an applicant or holder of a license who the Board finds engaged in one or more of the following activities:

- (1) Willfully or repeatedly violating any provision of this Article or any rule of the Board adopted pursuant to this Article.
- (2) Fraudulently or deceptively procuring or attempting to procure a license, presenting evidence of qualification to the Board, or processing the examination to secure a license.
- (3) Willfully failing to display a license.
- (4) Fraudulently or deceptively misrepresenting or engaging in dishonest or illegal practices in or connected with the practice of employee assistance.
- (5) Circulating knowingly untrue, fraudulent, misleading, or deceptive advertising.
- (6) Engaging in gross malpractice, or a pattern of continued or repeated malpractice, ignorance, negligence, or incompetence in the course of the practice of employee assistance.
- (7) Unprofessionally or unethically engaging in practices in connection with the practice of employee assistance, which activities are in violation of the standards of professional conduct prescribed by the Board.
- (8) Engaging in conduct reflecting unfavorably upon the profession of employee assistance professionals.
- (9) Willfully making any false statement as to material in any oath or affidavit when such statement is required by this Article.
- (10) Being convicted of a felony five years prior to applying for a license or while licensed.
- (11) Permitting or allowing another to use another person's license for the purpose of providing or offering employee assistance services.
- (12) Engaging in practice under a false or assumed name, or impersonating another practitioner of a like, similar, or different name.
- (13) Failing to inform clients fully about the limits of confidentiality in a given situation, the purposes for which information is obtained, and how it may be used.
- (14) Referring a client to further obtain services from a source that would directly or indirectly financially profit the referring licensed employee assistance professional when these services are not in the best interest of the client.
- (15) Denying a client's reasonable requests for access to any records concerning the client, or, when providing clients with access to records, failing to take due care to protect the confidences of other information contained in those records.
- (16) Failing to obtain the informed consent of a client before taping, recording, or permitting third-party observation of the client's activities.
- (17) Failing to clarify the nature and directions of an employee assistance professional's loyalties and responsibilities as mandated by law and as mandated by their contractual agreement with a company.
- (18) Failing to fully inform consumers as to the purpose and nature of evaluative research, treatment, or educational training or failing to freely acknowledge that a client, student, or participant in research has freedom of choice with regard to his or her participation.

- (19) Failing to attempt to terminate a consulting relationship when it is reasonably clear that the relationship is not benefiting the consumer. An employee assistance professional who finds that his or her services are being used by employers beyond their contractual agreement, or beyond their licensed qualification, in a way that is not beneficial to the participants, shall make his or her observations known to the responsible persons and propose modification or termination of the engagement. Upon request, the Board shall advise and clarify in regard to such matters within a reasonable amount of time, and shall not revoke the employee assistance professional's license.
- (20) Consenting through a contractual agreement to provide services such as prolonged therapy, that the employee assistance professional is not licensed to provide. (1995 (Reg. Sess., 1996), c. 720, s. 1.)